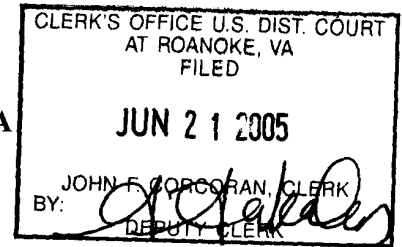


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



FERREL LOONEY, #291309,
Petitioner,

Civil Action No. 7:05-cv-00350

By: James C. Turk
Senior U.S. District Judge

GERALD K. WASHINGTON,
Respondent.

MEMORANDUM OPINION & FINAL ORDER

Petitioner, a Virginia inmate proceeding pro se, has submitted to the court this petition for a writ of habeas corpus, pursuant to 28 U.S.C. §2254. However, court records indicate that petitioner has previously filed a §2254 petition concerning these same convictions, Civil Action No. 7:04-cv-00381.¹ Thus, petitioner's current petition is a subsequent one, falling under the provisions of the federal habeas statutes regarding second or successive §2254 petitions. See 28 U.S.C. §2244(b). Under this provision, this court may consider a second or successive §2254 habeas petition only after petitioner obtains and presents specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the petition meet certain criteria. As petitioner has not submitted any evidence that the Court of Appeals has granted him the necessary certification under §2244(b) to file this successive petition, it is hereby

ADJUDGED AND ORDERED

that the above referenced petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254, shall be and hereby is **FILED** for administrative purposes only and **DISMISSED** without prejudice as successive.

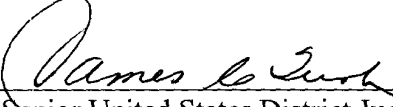
Petitioner is hereby advised that a Fourth Circuit form and instructions for filing a request

¹The court dismissed this previous petition as untimely filed, and petitioner appealed, although his appeal was later dismissed.

for certification to file a subsequent petition are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.

The Clerk is directed to send certified copies of this order to petitioner and to counsel of record for the respondent, if known.

ENTER: This 21st day of June, 2005.



Senior United States District Judge